

IN THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1(Currently Amended). A data communication system with a transmission channel having transmission sub-channels for transmitting and receiving data, said system comprising:
a first terminal for transmission of data on one or more of a first plurality of sub-channels;
a second terminal for transmission of data on one or more of a second plurality of sub-channels wherein the first plurality of sub-channels and the second plurality of sub-channels are partially overlapping such that at least one sub-channel is shared by the first terminal and the second terminal and at least one sub-channel is not shared by the first terminal and the second terminal; and
a control mechanism for allocating data transmission for the first terminal to one or more of the first plurality of sub-channels and allocating data transmission for the second terminal to one or more of the second plurality of sub-channels
wherein at least one of the first and second terminals transmit and receive data simultaneously on the shared sub-channel and the one or more of the first and second plurality of sub-channels respectively.

2(Currently Amended) A method of data transmission in a communication system with a transmission channel having transmission sub-channels for transmitting and receiving data, said method comprising:

allocating two or more first sub-channels to a first terminal wherein one of the first sub-channels is a first primary sub-channel and another one of the first sub-channels is a first secondary sub-channel;

allocating one or more second sub-channels to a second terminal wherein one of the second sub-channels is the same sub-channel as the first secondary sub-channel and none of the second sub-channels are the same sub-channel as the first primary sub-channel;

determining if the first primary sub-channel is congested;
transmitting the data from or receiving the data at the first terminal on the first primary
sub-channel if the first primary sub-channel is not congested;
if the first primary sub-channel is congested, then
requesting to send or receive a portion of the data on the first secondary sub-
channel ~~if the first primary sub-channel is congested~~;
receiving confirmation that the portion of the data may be sent or received on the
first secondary sub-channel; and
transmitting the portion of the data from or receiving the portion of the data at the
first terminal on the first secondary sub-channel; and
simultaneously transmitting or receiving rest of the data on the first primary sub-
channel.